PRESS MAILING at this paper and every paper referred to therein as being enclosed is being deposited with the U.S. Postal Service as express mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below

Attorney Docket No. 100717-502 / Bayer 10,139.3 KGB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT

Thomas KRAHN et al

SERIAL NO.

09/966,522

CUSTOMER NO.:

Express Mail Label No. EV596387667 US

27384

FILED

September 28, 2001

FOR

MASKING BACKGROUND FLUORESCENCE AND

LUMINESCENCE IN THE OPTICAL ANALYSIS OF BIOMEDICAL

ASSAYS

ART UNIT

1641

EXAMINER

Pensee T. Do

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

SIR:

Pursuant to 37 CFR §§ 1.56, 1.97 and 1.98, Applicants respectfully request that the Examiner consider the references listed on the attached Form PTO/SB/08.

I. Timeliness, Fees and Certifications in lieu of Fees

This information disclosure statement is being filed within three months of the filing date of the application, or within three months of entry into the national stage, or before the

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mailing of a first Office Action on the merits. Pursuant to 37 CFR § 1.97(b), consideration of this information disclosure statement does not require a fee or a statement under 37 CFR § 1.97(e). However, should the Assistant Commissioner determine that a fee is, in fact, due, the Assistant Commissioner is hereby authorized to charge the fee to Deposit Account No. 14-1263.

- B. This information disclosure statement is being filed after the period in A above, but before the mailing of either a final action or a notice of allowance. Pursuant to 37 CFR § 1.97(c), consideration of this information disclosure statement requires a fee or a statement under 37 CFR § 1.97(e):
 - 1. The Assistant Commissioner is hereby authorized to charge the fee set forth in 37 CFR § 1.17(p) to Deposit Account No. 14-1263.
 - 2. Applicants hereby state that each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.
 - Applicants hereby state that no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 CFR § 1.56 more than three months prior to the filing of this information disclosure statement.
- C. This information disclosure statement is being filed after the period specified in B above, but on or before the payment of the issue fee. Pursuant to 37 CFR § 1.97(d), consideration of this information disclosure statement requires a petition, which Applicants hereby request, and payment of the petition fee, which is set forth in 37 CFR § 1.17(i), and which the Assistant Commissioner is hereby authorized to charge to Deposit Account No. 14-1263. Consideration of this information disclosure statement also requires a statement under 37 CFR § 1.97(e):

		1.	Applicants hereby state that each item of information contained in this							
	information disclosure statement was cited in a communication from a foreign pate									
	office in a counterpart foreign application not more than three months prior to the									
	of the information disclosure statement.									
		2.	Applicants hereby state that no item of information contained in this							
	inform	ation di	sclosure statement was cited in a communication from a foreign patent							
	office i	n a counterpart foreign patent application, and, to the knowledge of the								
	undersi	igned af	fter making reasonable inquiry, no item of information contained in this							
	inform	ation di	sclosure statement was known to any individual designated in 37 CFR §							
	1.56 m	ore thar	n three months prior to the filing of this information disclosure statement.							
II.	Copies	of List	ted References							
X	A.	Copies	s of all references listed on the attached Form PTO/SB/08 are being supplie	d						
Copies	of U.S.	. patents	s are not included pursuant to Pre-OG Notice dated July 11, 2003.							
	B.	Copies	s of all references listed on the attached Form PTO/SB/08 have already bee	er						
supplie	d durin	g the pr	rosecution of prior application Serial No, filed, from which the	е						
present	t applica	ation cla	aims priority pursuant to 35 USC § 120. Therefore, pursuant to 37 CFR §							
1.98(d)), copies	s of the	references listed on the attached Form PTO/SB/08 are not now being							
supplie	ed.									
	C.	This ap	pplication is a PCT national stage application, all references listed on the							
attache	d Form	PTO/S	B/08 were cited in the international search report, and PCT/DO/EO/903							
indicat	es that l	both the	e international search report and the copies of the references listed on the							
attache	d Form	PTO/S	B/08 are in this national stage file. Therefore, copies of the references							

III. **Concise Statement of Relevance**

listed on the attached Form PTO/SB/08 are not now being supplied.

All references listed on the attached Form PTO/SB/08 are in the English language, \mathbf{X} and, therefore, a concise statement of relevance is not required.

	B.	All references listed on the attached Form PTO/SB/08 are referred to in the						
specifi	cation a	nd/or were cited in the international search report, and a copy of that search report,						
which	indicate	s the degree of relevance found by the Search Authority, is attached.						
langua		caminer will note that English language counterparts or Abstracts of non-English ences are also enclosed, as follows:						
	C.	All references listed on the attached Form PTO/SB/08 were cited in the search						
report	issued b	by the Patent Office, and an English-language version of that search report,						
which	indicate	s the degree of relevance found by that Patent Office, is attached.						
	which i	This application is a PCT national stage application, all references listed on the PTO/SB/08 were cited in the international search report, and a copy of that search indicates the degree of relevance found by the International Search Authority, is						
	E.	All listed on the attached Form PTO/SB/08 were cited during the prosecution of						
the pri	or appli	cation indicated above under II.B.						
IV.	Additional Information							
□ wish to applica	_	In addition to the references listed on the attached Form PTO/SB/08, Applicants to the attention of the Examiner the following abandoned or co-pending U.S. paters						
[Pursu	ant to 3	7 CFR § 1.98(a)(2)(iii), copies of these applications are not being submitted.]						
□ wish to	B. o bring	In addition of the references listed on the attached Form PTO/SB/08, Applicants to the attention of the Examiner the information provided on the attached sheet.						

Consideration of the foregoing in relation to this application is respectfully requested.

Respectfully submitted,

NORRIS MOLAUOHLIN & MARCUS, P.A.

Ву

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PTO/SB/08A (08-03)

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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Skind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

The collection of information is required by 37 CFR 1.197 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.